

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ECHARGE LICENSING, LLC,

Plaintiff,

v.

SQUARE, INC.,

Defendant.

Civil Action No.: 1:13-cv-6445

Honorable Edmond E. Chang
Presiding Judge

Honorable Arlander Keys
Magistrate Judge

JOINT STATUS REPORT

Plaintiff eCharge Licensing, LLC (“eCharge”) and Defendant Square, Inc. (“Square”) respectfully submit this Joint Status Report.

1. On January 16, 2014, the Court granted Square’s Motion to Stay Litigation Pending *Inter Partes* Review of the Patents-in-Suit. (Dkt. No. 33).

2. The Court ordered the parties to submit a Status Report after the Patent Trial and Appeal Board (“PTAB”) issued a decision regarding institution of *inter partes* review. (Dkt. No. 33).

3. On May 15, 2014, the PTAB instituted *inter partes* review of U.S. Patent 6,764,005 (“’005 Patent”), U.S. Patent 7,828,207 (“’207 Patent”), and U.S. Patent 8,490,875 (“’875 Patent”) (collectively the “Patents-in-Suit”).

4. Attached as Exhibits A-C are the PTAB’s decisions on institution of *inter partes* review for each of the Patents-in-Suit:

- Exhibit A contains the PTAB’s Decision regarding the ‘005 Patent.

- Exhibit B contains the PTAB's Decision regarding the '207 Patent.
- Exhibit C contains the PTAB's Decision regarding the '875 Patent.

5. In the respective Decisions, the PTAB concluded that Square "has demonstrated a reasonable likelihood of prevailing in proving the unpatentability of" claims 1-6 of the '005 Patent, claims 1 and 8-14 of the '207 Patent, and claims 1-7, 9-14, 16-31, 33, and 34 of the '875 respectively. *See* Ex. A at 24; Ex. B at 22; and Ex. C at 30. This includes all claims initially asserted against Square in this matter.¹ The PTAB also concluded that it would not review two dependent claims (claims 8 and 32) raised in Square's Petition as to the '875 Patent.²

Dated: June 2, 2014

Respectfully submitted,

/s/ Robert Greenspoon
Signed with permission
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Respectfully submitted,

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¹ Under LPR 2.2(a), eCharge contends that Square infringes at least claims 1, 5, and 6 of the '005 patent; claims 1, 8, and 14 of the '207 patent; and claims 13 and 14 the '875 patent. *See* Plaintiff's Initial Infringement Contentions, dated November 1, 2013. In discussions leading to the agreed stay, Square acknowledged eCharge has rights to amend initial infringement contentions, if warranted.

² The PTAB granted review for the underlying independent claims, claims 1 and 30.

ATTORNEYS FOR PLAINTIFF
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